



920584-906006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

Clive C. Hayball

SERIAL NO. 09/541,185

FILED: 3 April 2000

FOR: A Method Of Provisioning A Route In A
Connectionless Communications Network
Such That A Guaranteed Quality Of Service
Is Provided

)
) Examiner: Christian A LaForgia
)
) Group Art Unit No. 2131
)
) Customer number: 23644
)
)

RECEIVED

DEC 24 2003

Technology Center 2100

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to "Commissioner
for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450," on December 17, 2003.
Name of person signing: Jennifer J. Ramirez
Signature _____

FURTHER RESPONSE TO OFFICE ACTION OF SEPTEMBER 17, 2003
AND
REPLY TO ADVISORY ACTION OF DECEMBER 3, 2003

Honorable Director of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir

The Examiner's comments in the Advisory Action of 3 December 2003 are noted and the
diligent research appreciated. Reconsideration is again requested.

Even if it is accepted that the term "quality of service" can encompass guaranteed
bandwidth, Dravida still omits many significant features of the invention as recited in the
independent claims.

For example, Dravida fails to disclose a

- "communications network [which] supports a differentiated service mechanism"

- “accessing a model of said connectionless communications network which is separate from the network”
- “assessing amount of available bandwidth over said path using said model”

Applicant has been unable to locate a copy of the 1997 Microsoft white paper referred to by the Examiner, and a copy has not been provided by the PTO. The portion referred to by the Examiner does not make a direct link between the term “quality of service” and the provision of a specified bandwidth. All that is stated is that “real time applications over IP networks with an acceptable level of quality [require] certain [guaranteed] bandwidth”. This is apparently set out under the heading “What is quality of service?”. However, without seeing the full paper it is quite possible that the paper concludes that guaranteed bandwidth is not “quality of service” in answer to the question set out in the heading of the paper.

However, this point is moot since Dravida does not disclose “specifying a bandwidth” or “specifying a guaranteed quality of service to be provided over the path” as explicitly recited in feature [i] of all the independent claims.

Following the Examiner’s research, the Examiner will note that quality of service requires characteristics of the path to be guaranteed. Dravida provides no guarantees and merely provides a re-routing mechanism during congestion. There is no control of this re-routing to ensure that any particular path provides any particular characteristics. Thus it is respectfully submitted that this feature of the claims is not taken.

Furthermore, since the model of feature (ii) of the independent claims is not shown in Dravida the feature of “determining a path between the two specified nodes using said model” (emphasis added) also cannot be disclosed.

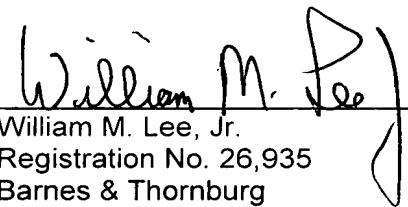
Accordingly, it is noted that Dravida discloses none of the features of claims 1, 17 or 26 and thus the Examiner’s rejection of these claims is respectfully traversed.

For the same reasons, the dependent claims are submitted to be allowable in view of their dependencies.

Given the above, favorable reconsideration is now urged.

December 16, 2003

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)